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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

<p>BLENDTEC INC., a Utah corporation, Plaintiff, vs.</p>	<p>BLENDJET'S MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL</p>
<p>BLENDJET INC., a Delaware corporation, Defendant.</p>	<p>Civil No. 2:21-cv-00668-TC-DBP Judge Tena Campbell Magistrate Judge Dustin B. Pead</p>

BLENDTEC INC., a Utah corporation,
Plaintiff,
vs.

BLENDJET INC., a Delaware corporation,
Defendant.

**BLENDJET'S MOTION FOR LEAVE TO
FILE DOCUMENTS UNDER SEAL**

Civil No. 2:21-cv-00668-TC-DBP
Judge Tena Campbell
Magistrate Judge Dustin B. Pead

Defendant BlendJet, Inc., pursuant to the Court's Order Granting Plaintiff's Motion to File Documents Under Seal (ECF. No. 114), DUCivR 5-3, and the Standard Protective Order that

applies in all civil cases in the U.S. District Court for the District of Utah, hereby moves this Court for leave to file, and to maintain, under seal complete – or in some cases unredacted – versions of the following documents:

- Motion to Enforce the Protective Order and to Disqualify Counsel (“Motion to Enforce”) (redacted versions of this document were publicly filed on May 2, 2023 as ECF No. 105, and refiled on May 8, 2023 as ECF No. 117);
- Motion to Expedite Briefing and Consideration of Motion to Enforce (“Motion to Expedite”) (a redacted version of the Motion to Expedite was publicly filed on May 2, 2023 as ECF No. 106, and refiled on May 8, 2023 as ECF No. 118);
- Short Form Motion to Compel Patrick McGill and Sheppard Mullin to Produce Documents in Response to Blendtec’s Subpoenas (“Motion to Compel”) (a redacted version of the Motion to Compel was publicly filed on May 2, 2023 as ECF No. 107, and refiled on May 8, 2023 as ECF No. 119);
- Declaration of Tamara L. Kapaloski in Support of Motion to Enforce, Motion to Expedite, and Motion to Compel (“Kapaloski Declaration”) (a redacted version of the Kapaloski Declaration was publicly filed on May 2, 2023 as ECF No. 108, and refiled on May 8, 2023 as ECF No. 120);
- Exhibit 2 to the Kapaloski Declaration (a redacted version of Exhibit 2 was publicly filed by on May 2, 2023 as ECF No. 108-2, and refiled on May 8, 2023 as ECF No. 120-2);
- Exhibit 10 to the Kapaloski Declaration (a redacted version of Exhibit 10 was publicly filed on May 2, 2023 as ECF No. 108-10, and refiled on May 8, 2023 as ECF No. 120-10);

- Exhibit 12 to the Kapaloski Declaration (a redacted version of Exhibit 12 was publicly filed on May 2, 2023 as ECF No. 108-12, and refiled on May 8, 2023 as ECF No. 120-12);
- Exhibit 13 to the Kapaloski Declaration (a redacted version of Exhibit 13 was publicly filed on May 2, 2023 as ECF No. 108-13, and refiled on May 8, 2023 as ECF No. 120-13);
- Exhibit 14 to the Kapaloski Declaration (a redacted version of Exhibit 14 was publicly filed on May 2, 2023 as ECF No. 108-14, and refiled on May 8, 2023 as ECF No. 120-14);
- Exhibit 15 to the Kapaloski Declaration (a redacted version of Exhibit 15 was publicly filed on May 2, 2023 as ECF No. 108-15), and refiled on May 8, 2023 as ECF No. 120-15);
- Exhibit 16 to the Kapaloski Declaration (a redacted version of Exhibit 16 was publicly filed on May 2, 2023 as ECF No. 108-16), and refiled on May 8, 2023 as ECF No. 120-16);
- Exhibit 17 to the Kapaloski Declaration (a redacted version of Exhibit 17 was publicly filed on May 2, 2023 as ECF No. 108-17), and refiled on May 8, 2023 as ECF No. 120-17); and
- Exhibit 29 to the Kapaloski Declaration (a redacted version of Exhibit 29 was publicly filed on May 2, 2023 as ECF No. 108-29), and refiled on May 8, 2023 as ECF No. 120-29).

On May 2, 2023, Plaintiff filed a Motion for Leave to File Under Seal the documents identified above. (ECF No. 109). The Court ordered all of the documents to be sealed on May 3, 2023. (ECF No. 114). That Court Order also provided that BlendJet must move to have the documents remain to be sealed because they were documents identified as confidential and AEO

by BlendJet. *Id.* BlendJet respectfully requests the Court maintain each of these documents under seal for the following reasons:

Documents to File Under Seal	Reasons for Good Cause
Motion to Enforce, ECF Nos. 105 and 117	Contains non-public sensitive financial information that may cause competitive harm to BlendJet if disclosed. DUCivR 26-2; DUCivR 5-3(b)(2)(C)(i). This redacted document also contains personal and confidential financial information relating to Mr. McGill. The Court ordered a related document containing the redacted information to be filed under seal. See Declaration of Martin R. Bader (“Bader Decl.”) at ¶ 2.
Motion to Expedite ECF Nos. 106 and 118	Contains non-public sensitive financial information that may cause competitive harm to BlendJet if disclosed. DUCivR 26-2; DUCivR 5-3(b)(2)(C)(i). This redacted document also contains confidential personal and financial information relating to Mr. McGill. The Court ordered a related document containing the redacted information to be filed under seal. Bader Decl. at ¶ 3.
Motion to Compel, ECF Nos. 107 and 119	Contains non-public sensitive financial information that may cause competitive harm to BlendJet if disclosed. DUCivR 26-2; DUCivR 5-3(b)(2)(C)(i). This redacted document also contains personal and confidential financial information relating to Mr. McGill. The Court ordered a related document containing the redacted information to be filed under seal. Bader Decl. at ¶ 4.
Kapaloski Declaration, ECF Nos. 108 and 120	Contains information that has been designated as CONFIDENTIAL INFORMATION—ATTORNEYS’ EYES ONLY pursuant to the Standard Protective Order by either BlendJet or Blendtec. Contains non-public sensitive

	financial information that may cause competitive harm to BlendJet if disclosed. DUCivR 26-2; DUCivR 5-3(b)(2)(C)(i). This redacted document also contains confidential financial information relating to Mr. McGill. The Court ordered a related document containing the redacted information to be filed under seal. Bader Decl. at ¶ 5.
Exhibit 2 to the Kapaloski Declaration, ECF Nos. 108-2 and No. 120-2	Contains information that has been designated as CONFIDENTIAL INFORMATION—ATTORNEYS' EYES ONLY pursuant to the Standard Protective Order by either BlendJet or Blendtec. Contains non-public sensitive financial information that may cause competitive harm to BlendJet if disclosed. DUCivR 26-2; DUCivR 5-3(b)(2)(C)(i). Bader Decl. at ¶ 6.
Exhibit 10 to the Kapaloski Declaration, ECF Nos. 108-10 and No. 120-10	Contains non-public sensitive financial information that may cause competitive harm to BlendJet if disclosed. DUCivR 26-2; DUCivR 5-3(b)(2)(C)(i). Bader Decl. at ¶ 7.
Exhibit 12 to the Kapaloski Declaration, ECF Nos. 108-12 and 120-12	Contains information that has been designated as CONFIDENTIAL INFORMATION—ATTORNEYS' EYES ONLY pursuant to the Standard Protective Order by either BlendJet or Blendtec. Contains non-public sensitive financial information that may cause competitive harm to BlendJet if disclosed. DUCivR 26-2; DUCivR 5-3(b)(2)(C)(i). Bader Decl. at ¶ 8.
Exhibit 13 to the Kapaloski Declaration, ECF No. 108-13 and ECF No. 120-13	Contains information that has been designated as CONFIDENTIAL INFORMATION—ATTORNEYS' EYES ONLY pursuant to the Standard Protective Order by either BlendJet or Blendtec. Contains non-public sensitive financial information that may cause competitive harm to BlendJet if disclosed.

	DUCivR 26-2; DUCivR 5-3(b)(2)(C)(i). Bader Decl. at ¶ 9.
Exhibit 14 to the Kapaloski Declaration, ECF Nos. 108-14 and 120-14	Contains information that has been designated as CONFIDENTIAL INFORMATION—ATTORNEYS’ EYES ONLY pursuant to the Standard Protective Order by either BlendJet or Blendtec. Contains non-public sensitive financial information that may cause competitive harm to BlendJet if disclosed. DUCivR 26-2; DUCivR 5-3(b)(2)(C)(i). Bader Decl. at ¶ 10.
Exhibit 15 to the Kapaloski Declaration, ECF Nos. 108-15 and 120-15	Contains information that has been designated as CONFIDENTIAL INFORMATION—ATTORNEYS’ EYES ONLY pursuant to the Standard Protective Order by either BlendJet or Blendtec if disclosed. DUCivR 26-2; DUCivR 5-3(b)(2)(C)(i). Bader Decl. at ¶ 11.
Exhibit 16 to the Kapaloski Declaration, ECF Nos. 108-16 and 120-16)	Contains information that has been designated as CONFIDENTIAL INFORMATION—ATTORNEYS’ EYES ONLY pursuant to the Standard Protective Order by either BlendJet or Blendtec if disclosed. The Court ordered a related document containing the redacted information to be filed under seal. Bader Decl. at ¶ 12.
Exhibit 17 to the Kapaloski Declaration, ECF Nos. 108-17 and 120-17	Contains non-public sensitive financial information that may cause competitive harm to BlendJet if disclosed. DUCivR 26-2; DUCivR 5-3(b)(2)(C)(i). This redacted document also contains personal and confidential financial information relating to Mr. McGill. The Court ordered a related document containing the redacted information to be filed under seal. Bader Decl. at ¶ 13.
Exhibit 29 to the Kapaloski Declaration ECF Nos. 108-29 and 120-29	Contains non-public sensitive financial information that may cause competitive harm to BlendJet if disclosed. DUCivR 26-2; DUCivR 5-3(b)(2)(C)(i). This redacted

	document also contains personal confidential financial information relating to Mr. McGill. The Court ordered a related document containing the redacted information to be filed under seal. Bader Decl. at ¶ 14.
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In sum, good cause exists to file (and maintain) these documents under seal because they have been designated as CONFIDENTIAL INFORMATION—ATTORNEYS’ EYES ONLY pursuant to the Standard Protective Order by either BlendJet or Blendtec, and contain non-public and sensitive information that, if publicly disclosed, could cause the designating party competitive harm. *See DUCivR 26-2; DUCivR 5-3(b)(2)(C)(i).* Further, none of the redacted portions to these documents are relevant or central to the Court’s substantive rulings on the parties’ trademark dispute. *Ion Solar LLC v. Marlowe*, 2023 U.S. Dist. LEXIS 75672, *6, 2023 WL 3168488 (D. Utah April 28, 2023) (ordering that confidential and financial documents that have no bearing on the substantive rulings shall be sealed).

Accordingly, BlendJet respectfully requests that the Court enter an Order restricting public access to and/or sealing the foregoing documents.

Respectfully submitted this 2nd day of June, 2023.

**SHEPPARD, MULLIN, RICHTER &
HAMPTON LLP**

/s/ Martin R. Bader
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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of June, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send an electronic notification to counsel of record for all parties, including the following:

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/s/ Martin R. Bader